IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Second Appeal No.276 of 2007.

[Sukhdeo Kunjilal Pathak and another]

Vs.

[hiraman Tarachand Khobre and two others]

.....

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Register's orders.	Court's or Judge's Orders

.....

Shri B. H. Sontakke Advocate for the appellant.

CORAM : A. H. JOSHI, J.
DATED : 11/07/2007.

The appellant admits that factual narration contained in the appellate judgment contained in para 8 to the effect that :-

> "Plaintiff Sukhdeo admitted in the cross examination that the northern kiln is in existence since the time of his grand-father. He was also using the said kiln for quite some time. He has further admitted that the said kiln is in existence since the time of the fore-fathers of the Kumbhars of his village. So far as existence of the kiln is concerned, that has not been disputed by the defendants. What is disputed by the defendants is that defendant no.1 is tying the

> cattle in the open space between the northern public road and the house of the plaintiffs. Plaintiff no.1 then admitted in the cross examination that defendant Hiraman has not fixed the pegs in his land. Such pegs are required for tying the cattle. It is, thus, quite clear that the alleged contention of the plaintiffs that the defendant no.1 is tying the cattle in the northern open space could not be established."

is correct. Therefore, fact finding as done by first appellate Court is not be assailed as perverse or illegal. This appeal does not involve any substantial question of law. Hence, appeal is dismissed.

JUDGE

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